

Remarks/Arguments

35 U.S.C. ¶102

Claims 1, 3-4, 6-8, 13-17, 22-23, 25-28 and 30-43 were rejected under 35 U.S.C. ¶102 as being unpatentable over Tsukune et al. (EP 0519079) for the reasons stated at pages 2-4 of the Office Action. Applicants respectfully traverse this rejection.

Tsukune et al. does not teach or suggest “setting the film such that carbon-containing groups are contained therein” as recited in independent claims 1, 13 and 26.

Rather, Tsukune et al. is directed to the formation of a silicon dioxide film, and the disclosure thereof is replete with passages which teach the objective of removing organic groups from the film prior to any setting of the film. See, for example, page 3, line 40; page 6, lines 44-45 and 50; page 7, lines 19 and 50-53; and so on.

Tsukune et al. is directed to various methods in which a thin film containing organic groups is deposited to achieve planarazation of the layer. However, once the layer is deposited, and prior to setting, the organic groups are removed to realize a silicone dioxide layer. See page 9, lines 30-48.

For at least these reasons, Applicants respectfully contend that claims 1, 3-4, 6-8, 13-17, 22-23, 25-28 and 30-43 are not anticipated by Tsukune et al.

35 U.S.C. ¶103

Claims 9, 10, 12, 18-21 and 23 were rejected under 35 U.S.C. ¶103 as being unpatentable over Tsukune et al. (EP 0519079) for the reasons stated at page 4 of the Office Action. Applicants respectfully traverse this rejection for the same reasons as stated above in connection with the rejection under 35 U.S.C. ¶103.

Further, as noted above, the objective of Tsukune et al. is to remove organic layers from the film prior to setting. One must consider this objective when making

an “optimization” type rejection under 35 U.S.C. ¶103. The present invention aims to set the film such that the carbon-containing groups are retained in the film. Tsukune et al. aims to remove carbon-containing groups. Thus, the operating parameters of the present claims can not simply be classified as mere optimization of the process of Tsukune et al.

Conclusion

No other issues remaining, reconsideration and favorable action upon the claims 1, 3, 4, 6-23, 25-28 and 30-43 are requested.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, PLLC

By:


Adam C. Volentine
Reg. No. 33,289

December 15, 2004

VOLENTINE FRANCOS & WHITT, PLLC
11951 Freedom Drive, Suite 1260
Reston, VA 20190
(703) 715-0870